
HOUSE BILL 1014

State of Washington

57th Legislature

2001 Regular Session

By Representatives Pennington, Mielke, Buck and Jackley

Read first time 01/10/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to the landowner contingency forest fire
2 suppression account; amending RCW 76.04.630, 43.84.092, and
3 43.84.092; creating a new section; providing an effective date;
4 and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that rapid and
7 effective responses to forest fires are critical in keeping these
8 fires from spreading into larger fires. Large forest fires impair
9 air quality, destroy valuable watersheds and riparian areas, and
10 denigrate salmon habitat. The legislature also finds that the costs
11 associated with one large forest fire is far greater than the
12 costs for extinguishing hundreds of small fires. The legislature
13 recognizes that a report issued in 1997 indicated that the
14 department of natural resources lacked the funding to adequately
15 address the threat of forest fires. Forest fire suppression is paid
16 by annual assessments on landowners. The legislature further finds
17 that landowner assessments that are paid for the particular
18 service of forest fire suppression should not lapse into the

1 general fund, particularly when there are not adequate funds for
2 the department of natural resources to fight fires. The legislature
3 therefore finds that it is in the public interest for interest
4 earned on moneys in the landowner contingency forest fire
5 suppression account to be credited to that account, and that
6 moneys in the account should not lapse if they are not spent by
7 the end of the biennium.

8 **Sec. 2.** RCW 76.04.630 and 1993 c 36 s 2 are each amended to read
9 as follows:

10 There is created a landowner contingency forest fire
11 suppression account in the state treasury. Moneys in the account
12 may be spent only as provided in this section. Disbursements from
13 the account shall be on authorization of the commissioner of
14 public lands or the commissioner's designee. The account is subject
15 to the allotment procedure provided under chapter 43.88 RCW, but
16 no appropriation is required for disbursements. Money in the
17 account that is not appropriated prior to the end of the biennium
18 in which it was appropriated does not lapse, but must remain in
19 the account. Interest earned from money in the account must be
20 credited to the account.

21 The department may expend from this account the amounts as may
22 be available and as it considers appropriate for the payment of
23 emergency fire costs resulting from a participating landowner
24 fire. The department may, when moneys are available from the
25 landowner contingency forest fire suppression account, expend
26 moneys for summarily abating, isolating, or reducing an extreme
27 fire hazard under RCW 76.04.660. All moneys recovered as a result
28 of the department's actions, from the owner or person responsible,
29 under RCW 76.04.660 shall be deposited in the landowner
30 contingency forest fire suppression account.

31 When a determination is made that the fire was started by other
32 than a landowner operation, moneys expended from this account in
33 the suppression of such fire shall be recovered from the general
34 fund appropriations as may be available for emergency fire
35 suppression costs. The department shall deposit in the landowner
36 contingency forest fire suppression account moneys paid out of the

1 account which are later recovered, less reasonable costs of
2 recovery.

3 This account shall be established and renewed by an annual
4 special forest fire suppression account assessment paid by
5 participating landowners at a rate to be established by the
6 department. In establishing assessments, the department shall seek
7 to establish and thereafter reestablish a balance in the account
8 of three million dollars. The department may establish a flat fee
9 assessment of no more than seven dollars and fifty cents for
10 participating landowners owning parcels of fifty acres or less. For
11 participating landowners owning parcels larger than fifty acres,
12 the department may charge the flat fee assessment plus a per acre
13 assessment for every acre over fifty acres. The per acre assessment
14 established by the department may not exceed fifteen cents per
15 acre per year. The assessments may differ to equitably distribute
16 the assessment based on emergency fire suppression cost experience
17 necessitated by landowner operations. Amounts assessed for this
18 account shall be a lien upon the forest lands with respect to
19 which the assessment is made and may be collected as directed by
20 the department in the same manner as forest protection
21 assessments. Payment of emergency costs from this account shall in
22 no way restrict the right of the department to recover costs
23 pursuant to RCW 76.04.495 or other laws.

24 When the department determines that a forest fire was started
25 in the course of or as a result of a landowner operation, it shall
26 notify the forest fire advisory board of the determination. The
27 determination shall be final, unless, within ninety days of the
28 notification, the forest fire advisory board or an interested
29 party serves a request for a hearing before the department. The
30 hearing shall constitute an adjudicative proceeding under chapter
31 34.05 RCW, the administrative procedure act, and an appeal shall
32 be in accordance with RCW 34.05.510 through 34.05.598.

33 **Sec. 3.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 5 are each amended
34 to read as follows:

35 (1) All earnings of investments of surplus balances in the
36 state treasury shall be deposited to the treasury income account,
37 which account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or
2 receive funds associated with federal programs as required by the
3 federal cash management improvement act of 1990. The treasury
4 income account is subject in all respects to chapter 43.88 RCW,
5 but no appropriation is required for refunds or allocations of
6 interest earnings required by the cash management improvement
7 act. Refunds of interest to the federal treasury required under
8 the cash management improvement act fall under RCW 43.88.180 and
9 shall not require appropriation. The office of financial management
10 shall determine the amounts due to or from the federal government
11 pursuant to the cash management improvement act. The office of
12 financial management may direct transfers of funds between
13 accounts as deemed necessary to implement the provisions of the
14 cash management improvement act, and this subsection. Refunds or
15 allocations shall occur prior to the distributions of earnings set
16 forth in subsection (4) of this section.

17 (3) Except for the provisions of RCW 43.84.160, the treasury
18 income account may be utilized for the payment of purchased
19 banking services on behalf of treasury funds including, but not
20 limited to, depository, safekeeping, and disbursement functions
21 for the state treasury and affected state agencies. The treasury
22 income account is subject in all respects to chapter 43.88 RCW,
23 but no appropriation is required for payments to financial
24 institutions. Payments shall occur prior to distribution of
25 earnings set forth in subsection (4) of this section.

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the
29 treasury income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and
32 fund's average daily balance for the period: The capitol building
33 construction account, the Cedar River channel construction and
34 operation account, the Central Washington University capital
35 projects account, the charitable, educational, penal and
36 reformatory institutions account, the common school construction
37 fund, the county criminal justice assistance account, the county
38 sales and use tax equalization account, the data processing

1 building construction account, the deferred compensation
2 administrative account, the deferred compensation principal
3 account, the department of retirement systems expense account, the
4 drinking water assistance account, the Eastern Washington
5 University capital projects account, the education construction
6 fund, the emergency reserve fund, the federal forest revolving
7 account, the health services account, the public health services
8 account, the health system capacity account, the personal health
9 services account, the state higher education construction account,
10 the higher education construction account, the highway
11 infrastructure account, the industrial insurance premium refund
12 account, the judges' retirement account, the judicial retirement
13 administrative account, the judicial retirement principal account,
14 the landowner contingency forest fire suppression account, the
15 local leasehold excise tax account, the local real estate excise
16 tax account, the local sales and use tax account, the medical aid
17 account, the mobile home park relocation fund, the multimodal
18 transportation account, the municipal criminal justice assistance
19 account, the municipal sales and use tax equalization account, the
20 natural resources deposit account, the perpetual surveillance and
21 maintenance account, the public employees' retirement system plan
22 1 account, the public employees' retirement system plan 2 account,
23 the Puyallup tribal settlement account, the resource management
24 cost account, the site closure account, the special wildlife
25 account, the state employees' insurance account, the state
26 employees' insurance reserve account, the state investment board
27 expense account, the state investment board commingled trust fund
28 accounts, the supplemental pension account, the teachers'
29 retirement system plan 1 account, the teachers' retirement system
30 combined plan 2 and plan 3 account, the tobacco prevention and
31 control account, the tobacco settlement account, the
32 transportation infrastructure account, the tuition recovery trust
33 fund, the University of Washington bond retirement fund, the
34 University of Washington building account, the volunteer fire
35 fighters' and reserve officers' relief and pension principal fund,
36 the volunteer fire fighters' and reserve officers' administrative
37 fund, the Washington judicial retirement system account, the
38 Washington law enforcement officers' and fire fighters' system

1 plan 1 retirement account, the Washington law enforcement
2 officers' and fire fighters' system plan 2 retirement account, the
3 Washington school employees' retirement system combined plan 2 and
4 3 account, the Washington state health insurance pool account, the
5 Washington state patrol retirement account, the Washington State
6 University building account, the Washington State University bond
7 retirement fund, the water pollution control revolving fund, and
8 the Western Washington University capital projects account.

9 Earnings derived from investing balances of the agricultural
10 permanent fund, the normal school permanent fund, the permanent
11 common school fund, the scientific permanent fund, and the state
12 university permanent fund shall be allocated to their respective
13 beneficiary accounts. All earnings to be distributed under this
14 subsection (4)(a) shall first be reduced by the allocation to the
15 state treasurer's service fund pursuant to RCW 43.08.190.

16 (b) The following accounts and funds shall receive eighty
17 percent of their proportionate share of earnings based upon each
18 account's or fund's average daily balance for the period: The
19 aeronautics account, the aircraft search and rescue account, the
20 county arterial preservation account, the department of licensing
21 services account, the essential rail assistance account, the ferry
22 bond retirement fund, the grade crossing protective fund, the high
23 capacity transportation account, the highway bond retirement fund,
24 the highway safety account, the motor vehicle fund, the motorcycle
25 safety education account, the pilotage account, the public
26 transportation systems account, the Puget Sound capital
27 construction account, the Puget Sound ferry operations account,
28 the recreational vehicle account, the rural arterial trust
29 account, the safety and education account, the special category C
30 account, the state patrol highway account, the transportation
31 equipment fund, the transportation fund, the transportation
32 improvement account, the transportation improvement board bond
33 retirement account, and the urban arterial trust account.

34 (5) In conformance with Article II, section 37 of the state
35 Constitution, no treasury accounts or funds shall be allocated
36 earnings without the specific affirmative directive of this
37 section.

38

1 **Sec. 4.** RCW 43.84.092 and 2000 2nd sp.s. c 4 s 6 are each amended
2 to read as follows:

3 (1) All earnings of investments of surplus balances in the
4 state treasury shall be deposited to the treasury income account,
5 which account is hereby established in the state treasury.

6 (2) The treasury income account shall be utilized to pay or
7 receive funds associated with federal programs as required by the
8 federal cash management improvement act of 1990. The treasury
9 income account is subject in all respects to chapter 43.88 RCW,
10 but no appropriation is required for refunds or allocations of
11 interest earnings required by the cash management improvement
12 act. Refunds of interest to the federal treasury required under
13 the cash management improvement act fall under RCW 43.88.180 and
14 shall not require appropriation. The office of financial management
15 shall determine the amounts due to or from the federal government
16 pursuant to the cash management improvement act. The office of
17 financial management may direct transfers of funds between
18 accounts as deemed necessary to implement the provisions of the
19 cash management improvement act, and this subsection. Refunds or
20 allocations shall occur prior to the distributions of earnings set
21 forth in subsection (4) of this section.

22 (3) Except for the provisions of RCW 43.84.160, the treasury
23 income account may be utilized for the payment of purchased
24 banking services on behalf of treasury funds including, but not
25 limited to, depository, safekeeping, and disbursement functions
26 for the state treasury and affected state agencies. The treasury
27 income account is subject in all respects to chapter 43.88 RCW,
28 but no appropriation is required for payments to financial
29 institutions. Payments shall occur prior to distribution of
30 earnings set forth in subsection (4) of this section.

31 (4) Monthly, the state treasurer shall distribute the earnings
32 credited to the treasury income account. The state treasurer shall
33 credit the general fund with all the earnings credited to the
34 treasury income account except:

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and
37 fund's average daily balance for the period: The capitol building
38 construction account, the Cedar River channel construction and

1 operation account, the Central Washington University capital
2 projects account, the charitable, educational, penal and
3 reformatory institutions account, the common school construction
4 fund, the county criminal justice assistance account, the county
5 sales and use tax equalization account, the data processing
6 building construction account, the deferred compensation
7 administrative account, the deferred compensation principal
8 account, the department of retirement systems expense account, the
9 drinking water assistance account, the Eastern Washington
10 University capital projects account, the education construction
11 fund, the emergency reserve fund, the federal forest revolving
12 account, the health services account, the public health services
13 account, the health system capacity account, the personal health
14 services account, the state higher education construction account,
15 the higher education construction account, the highway
16 infrastructure account, the industrial insurance premium refund
17 account, the judges' retirement account, the judicial retirement
18 administrative account, the judicial retirement principal account,
19 the landowner contingency forest fire suppression account, the
20 local leasehold excise tax account, the local real estate excise
21 tax account, the local sales and use tax account, the medical aid
22 account, the mobile home park relocation fund, the multimodal
23 transportation account, the municipal criminal justice assistance
24 account, the municipal sales and use tax equalization account, the
25 natural resources deposit account, the perpetual surveillance and
26 maintenance account, the public employees' retirement system plan
27 1 account, the public employees' retirement system combined plan 2
28 and plan 3 account, the Puyallup tribal settlement account, the
29 resource management cost account, the site closure account, the
30 special wildlife account, the state employees' insurance account,
31 the state employees' insurance reserve account, the state
32 investment board expense account, the state investment board
33 commingled trust fund accounts, the supplemental pension account,
34 the teachers' retirement system plan 1 account, the teachers'
35 retirement system combined plan 2 and plan 3 account, the tobacco
36 prevention and control account, the tobacco settlement account,
37 the transportation infrastructure account, the tuition recovery
38 trust fund, the University of Washington bond retirement fund, the

1 University of Washington building account, the volunteer fire
2 fighters' and reserve officers' relief and pension principal fund,
3 the volunteer fire fighters' and reserve officers' administrative
4 fund, the Washington judicial retirement system account, the
5 Washington law enforcement officers' and fire fighters' system
6 plan 1 retirement account, the Washington law enforcement
7 officers' and fire fighters' system plan 2 retirement account, the
8 Washington school employees' retirement system combined plan 2 and
9 3 account, the Washington state health insurance pool account, the
10 Washington state patrol retirement account, the Washington State
11 University building account, the Washington State University bond
12 retirement fund, the water pollution control revolving fund, and
13 the Western Washington University capital projects
14 account. Earnings derived from investing balances of the
15 agricultural permanent fund, the normal school permanent fund, the
16 permanent common school fund, the scientific permanent fund, and
17 the state university permanent fund shall be allocated to their
18 respective beneficiary accounts. All earnings to be distributed
19 under this subsection (4)(a) shall first be reduced by the
20 allocation to the state treasurer's service fund pursuant to RCW
21 43.08.190.

22 (b) The following accounts and funds shall receive eighty
23 percent of their proportionate share of earnings based upon each
24 account's or fund's average daily balance for the period: The
25 aeronautics account, the aircraft search and rescue account, the
26 county arterial preservation account, the department of licensing
27 services account, the essential rail assistance account, the ferry
28 bond retirement fund, the grade crossing protective fund, the high
29 capacity transportation account, the highway bond retirement fund,
30 the highway safety account, the motor vehicle fund, the motorcycle
31 safety education account, the pilotage account, the public
32 transportation systems account, the Puget Sound capital
33 construction account, the Puget Sound ferry operations account,
34 the recreational vehicle account, the rural arterial trust
35 account, the safety and education account, the special category C
36 account, the state patrol highway account, the transportation
37 equipment fund, the transportation fund, the transportation

1 improvement account, the transportation improvement board bond
2 retirement account, and the urban arterial trust account.

3 (5) In conformance with Article II, section 37 of the state
4 Constitution, no treasury accounts or funds shall be allocated
5 earnings without the specific affirmative directive of this
6 section.

7 NEW SECTION. **Sec. 5.** Section 3 of this act expires March 1,
8 2002.

9 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect March
10 1, 2002.

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